IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 240 of 1998

Between:

Kamal Herbal & Phenomone Exports Private Limited, Rep. by its Director-Dr.Kaja Narasimha Rao,
S/o. Venkata Narsu, R/o. 11 Arpita Apartments,
Snehapuri Colony, Nacharam, Hyderabad.

.... PETITIONER

AND

1 A.P.State Agro Industries Development Corporation,

Rep. by its Managing Director, A.C.Guards,

Hyderabad.
2 The Commissioner of Agriculture,
Andhra Pradesh, Hyderabad.
3 The Government of Andhra Pradesh, Rep. by its

Secretary, Department of Agriculture, Secretariat,
Hyderabad.
4 The Government of India, Rep. by its Secretary,
Department of Agriculture Corporation, Krishi

Bhavan, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ order or direction more particularly one in the nature of Writ of Mandamus, declaring that the approval of the rates of all the companies by the A.P.Agro Industries Corp. Ltd., and its consequential placing of orders to firms quoting higher rates, as illegal, arbitrary and violative of Art.14 of the Constitution of India and issue a consequential direction to the respondent 1 to 4 to give the entire supply order to our firm only and to pass

Counsel for the Petitioner:PARTY-IN-PERSON

Counsel for the Respondent No.: GP FOR INDUSTRIES & COMMERCE

The Court made the following :

O R D E R

Petitioner is appearing as a party-in-person. As per the orders of this court dated 13.12.2005, notice was sent to the petitioner, but it was returned unserved with an endorsement “party left”.

2. The learned Standing Counsel for the 1st respondent - Corporation submitted that the writ petition has become infructuous.

3. Aggrieved by the action of the respondents in approving the higher rates quoted by the firms, pursuant to the tender notification dated 25.9.1997 for the supply of Pheromone Traps and luares and rejecting that of petitioner, the present writ petition is filed.

4 . The learned Standing Counsel for the 1st respondent – Corporation submitted that consequent to the filing of the writ petition, the tenders were neither finalized nor entrusted to any firm, as it is a seasonal bound work. In support of this submission, she produced letter addressed by the Corporation dated 12.12.2004 in Ref.Legal/JM/14606/98. Paragraph No.2 of the said letter reads as under:

> "As regards in the present case i.e., W.P.No.240/1998, no interim directions were granted by the Hon'ble High Court till date. Further it is stated that consequent on filing of writ petition neither the tender/quotations were finalized nor entrusted this work to any other firm during that particular year as it is a seasonal bound work. This is for information"

5. In view of the above, it is clear that cause of action for the petitioner does not survive and the writ petition is dismissed as having become infructuous. No costs.

AVS ----------

23.06.2005

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 A.P.State Agro Industries Development Corporation,

Rep. by its Managing Director, A.C.Guards,

Hyderabad.

2 The Commissioner of Agriculture,
Andhra Pradesh, Hyderabad.

3 The Government of Andhra Pradesh, Rep. by its

Secretary, Department of Agriculture, Secretariat,
Hyderabad.

4 The Government of India, Rep. by its Secretary,
Department of Agriculture Corporation, Krishi

Bhavan, New Delhi.

5. 2 CCs to G.P. for Industries and Commerce, A.P. High Court Buildings, Hyderabad (OUT)

6) 2 CD copies

*Form-NIC-OGS/WP{**MN**}*